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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Mitchell et al.

Application No. 09/424,519

Art Unit: 1614

Examiner: Kwon, B.

Filed: March 3, 2000

For: THE USE OF A NITROXIDE OR A
PRODRUG THEREOF IN THE
PROPHYLACTIC AND THERAPEUTIC
TREATMENT OF CANCER

#9
SUGS
5/1/01

RESPONSE TO OFFICE ACTION

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the Office Action dated January 30, 2001, please consider the following remarks.

REMARKS

The Present Invention

The present invention pertains to a method for the prophylactic and therapeutic treatment of cancer by administering a nitroxide compound or prodrug thereof.

The Pending Claims

Claims 1-27 are currently pending. Claims 4-21 have been withdrawn from consideration by the Office as being directed to a non-elected species.

The Office Action

The election of species requirement as set forth in the Office Action dated November 15, 2000, has been maintained by the Office. Claims 1-3, 22, 24, and 26 have been rejected under 35 U.S.C. § 112, first paragraph. Claims 1-3 have been rejected under 35 U.S.C. § 102(b) in view of Monti et al. (*PAACR Annual Meeting* 36:387, Abstract 2304 (March 1995)) ("Monti I"). Claims 24-27 have been rejected under 35 U.S.C. § 103(a) as obvious in view of and, therefore, unpatentable over Monti et al. (*PAACR Annual Meeting* 38:193, Abstract 1298 (March 1997)) ("Monti II") in view of Harris (*J. Nat'l Cancer Inst.* 88:1442-1455 (1996)) ("Harris"). Applicants request reconsideration of these rejections.